

REMARKS

Status of the Claims

Claims 2, 3, 5, 6, 13-19, and 22-41 are pending in this application. Claims 13, 15-19, 28, 29, and 32-35 are withdrawn. Claims 13, 14, 30, and 31 are amended. No new matter is added.

Allowable Subject Matter

At page 1, the Office Action states that claims 2, 3, 5, 6, 22-27, and 36-41 are allowed. Applicants appreciate the Examiner's acknowledgment of allowable subject matter.

In view of the Examiner's acknowledgement of allowed claims and the amendments made herein, applicants respectfully request rejoinder of the method claims and any other appropriate claims dependent on the allowed claims.

Rejection Under 35 U.S.C. §101 (Non-Statutory Subject Matter)

At pages 4-5 of the Office Action, claims 14, 30, and 31 were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

According to the Office Action, "[t]he specification envisions embodiments where the cell is present or intended to be present in a human being" (see Office Action at page 5, lines 14-15).

While applicants do not concede to any aspect of the Examiners stated reasons for rejection, claims 14, 30, and 31 have been amended to "An isolated recombinant cell" (see "Listing of Claims" above). In view of these amendments, the rejection under 35 U.S.C. §101 is rendered moot.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been overcome and all of the pending claims are in condition for allowance, which action is earnestly requested.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is requested to call the undersigned at the number provided below.

No fees are believed to be due. However, please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No 12279-007002.

Respectfully submitted,

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